Fax Cover Sheet

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DATE: Aug 05 2009

TO: Examiner Jakovac

FROM: Anna Goforth

RE: App # : 10/784,146 Proposed Interview Agenda

Please see attached. Thank you.

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PAGE 1/5 * RCVD AT 8/5/2009 8:18:23 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2706003 * CSID:Lee _Hayes PLLC   * DURATION (mm-ss):02-54

Application Serial Number: 10/784,146

Attorney Docket Number: MS1-1854US

To: Examiner Jakovac
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From: John C. Meline (Reg. No. 58280)
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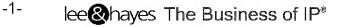   (Tel. 509-324-9256; Fax 509-323-8979)

Agenda and Request for an Examiner Interview

– INFORMAL COMMUNICATION – FOR DISCUSSION PURPOSES ONLY –

[0001]   This communication provides an agenda for an interview of this matter. My assistant will be contacting you to schedule an interview. If you would prefer to schedule the interview, then please contact my assistant or me directly. Our contact info is on the signature page of this document. Thank you in advance for agreeing to discuss this matter.

Interview Agenda:

- Discussion of current § 112 rejections
- Discussion of exemplary differences between the application/claims and the cited document, McCanne.

Section 112

[0002] I would like to confirm that you will withdraw the current § 112 rejections. The independent claims are not indefinite. Contrary to the Office's assertion, the detailed description states in part that "a computer program . . . [receives] a message at a routing node . . . and . . . [generates] a routing policy for a sending node based at least in part on the message content." It is explicit that a computer program generates a routing policy and does not just generate a message (Office Action, p. 2, Examiner's Note).

[0003] If you will not withdraw the current § 112 rejection, I would like to discuss any suggestions you may have for amendments or other remedy that may assist in removing the § 112 rejection.

Exemplary Differences and Proposed Amendments

[0004] The Application describes generating a "policy" and sending the policy from a "receiving node" to a "sending node." The Office cites to McCanne, paragraphs 0009 through 0011, as allegedly teaching this feature. However, the only mention of policies is as follows: "The result is an overlay multicast network that is effectively managed according to traffic **policies**," as found in paragraph 0009. As can be seen, there is no sending, just "managing" according to a policy. Without more, there does not appear to

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be a suggestion or teaching of "sending" a policy from a receiving node to a sending node as recited in claim 1. In particular, claim 1 recites "returning the routing policy to the sending node."

[0005]   I would be willing to amend the claims to more clearly distinguish the claims from McCanne if the Office can point out a stronger reference to such a teaching in McCanne. After performing my own review of this reference, including a search of every instance of the word policy or policies, I cannot see one. Therefore, I don't see a need to amend the claims to overcome McCanne.

[0006]   I look forward to discussing this with you and advancing prosecution. I especially would like to discuss whether you see any subject matter in the specification that may assist in overcoming McCanne if amended to the claims.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

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Appendix of Selected Claims (Emphasis Added)

1. (Previously Presented)   A method comprising:

receiving a message at a routing node in an overlay network, the message comprising a header and a body, wherein the header comprises information for routing the message;

passing the message to the application level at the routing node to process the message;

generating a routing policy for a sending node based at least in part on the body of the message, wherein the routing policy comprises instructions for redirecting messages based at least in part on the body of the message;

returning the routing policy to the sending node;

identifying a final destination address to which to route the message; and incorporating the routing policy into the body of the message and forwarding the message to the final destination node in the overlay network.

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